UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

BEATRICE DAVIS,)
Plaintiff,)
v.) No. 4:11CV1508 CDF
MICHAEL J. ASTRUE, Commissioner of Social Security,)))
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. Upon review of the financial information provided with the complaint, the Court finds that plaintiff should be allowed to proceed without paying the filing fee. Additionally, the Court is required to review a complaint filed in forma pauperis and to dismiss it if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. The Court finds the instant case to be frivolous, but the Court will give plaintiff leave to file an amended complaint.

Plaintiff filed her complaint on the Court's form Complaint for Judicial Review of Decision of the Commissioner of Social Security. However, from what can be gathered from the complaint and plaintiff's financial affidavit, it appears perhaps that plaintiff has already been adjudicated to be disabled and is receiving disability benefits. Alternatively, plaintiff may be receiving regular social security benefits. The complaint is unclear. But it does not appear that plaintiff is attempting to file for

judicial review of an adverse decision by the Social Security Administration (the "Administration"). Plaintiff appears to be complaining about the manner in which the Administration is administering her benefits. However, the nature of plaintiff's claims are unclear.

The Court will direct plaintiff to file an amended complaint on the Court's Civil Complaint form. Plaintiff is directed to complete the form to the best of her ability. And plaintiff is warned that the complaint must comply with the Federal Rules of Civil Procedure, which, among other things, require her to state the basis for this Court's jurisdiction and to assert a factual basis for her claim for relief. <u>See</u> Fed. R. Civ. P. 8; Fed. R. Civ. P. 10.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. 2] is GRANTED.

IT IS FURTHER ORDERED that the Clerk shall mail to plaintiff a copy of the Court's Civil Complaint form.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint in accordance with the terms of this order no later than October 3, 2011.

Dated this 16th day of September, 2011.

CATHERINE D. PERRY

UNITED STATES DISTRICT JUDGE